



Crl.OP.No.31631 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2022

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.31631 of 2022

Siva

... Petitioner

Vs.

1.The Superintendent of Police,
Erode District,
Erode.

2.The Inspector of Police,
Chennimalai Police Station,
Erode District.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the 2nd respondent herein not to harass the petitioner and his family under the guise of enquiry.

For Petitioner : Mr.C.S.Saravanan

For Respondents : Mr.S.Santhosh

Government Advocate (Criminal Side)



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ORDER

WEB COPY This Criminal Original Petition has been filed to direct the 2nd respondent police not to harass the petitioner.

2. When the matter is taken up, the learned Government Advocate submitted that based on the complaint given by one Satheesh, stating that Sekar is missing, a case was registered by the 2nd respondent in Crime No.313 of 2022 under Section 'man missing'. Since, petitioner is the friend of Sekar, he was required for enquiry.

3. In the light of the submission made, the petitioner is directed to co-operate for enquiry.

4. In order to circumvent such situations, the following guidelines are issued:

a) While summoning any person named in the complaint or any witness to the incident complained of, the police officer shall summon such person through



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a written summon under Section 160 Cr.P.C., specifying a particular date and time for appearing before them for such an enquiry/investigation.

b) The respondent police is directed to serve summons mentioning the CSR number, date of complaint and the name of the complainant.

c) The minutes of the enquiry shall be recorded in the general diary/station diary/daily diary of the police station.

d) The police officer shall refrain himself or herself from harassing persons called upon for enquiry/investigation.

e) The guidelines stipulated for preliminary enquiry or registration of FIR by the Hon'ble Supreme Court in **Lalita Kumari Vs. Government of Uttar Pradesh and others [2014 (2) SCC (1)]** shall be strictly adhered to.



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G.CHANDRASEKHARAN,J.

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5. With the above observations and direction, the Criminal Original
Petition stands disposed of.

22.12.2022

Internet : Yes / No

Index : Yes / No

Speaking/Non speaking order

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To

1.The Superintendent of Police,
Erode District,
Erode.

2.The Inspector of Police,
Chennimalai Police Station,
Erode District.

3.The Public Prosecutor,
Madras High Court.

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